

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DIEGO MENDOZA-AGUILAR and MARIO
GARIBAY-REYES,

Defendants.

8:24-CR-34

**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court upon the Government's Motion for Preliminary Order of Forfeiture. [Filing 60](#). The Court has reviewed the record in this case and, being duly advised in the premises, finds as follows:

1. On November 18, 2024, the Court held a change of plea hearing for Defendant Diego Mendoza-Aguilar, and he entered a plea of guilty to Count I and admitted to the Forfeiture Allegation of the Indictment. Filing 42; [Filing 47](#).

2. On December 16, 2024, the Court held a change of plea hearing for Defendant Mario Garibay-Reyes, and he entered a plea of guilty to Count I and admitted to the Forfeiture Allegation of the Indictment. Filing 52; [Filing 57](#).

3. Count I of the Indictment charged Defendants with violation of 21 U.S.C. §846.

4. The Forfeiture Allegation of the Indictment sought forfeiture of \$1,423.00 in United States currency as "property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offense and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense."

5. By virtue of said plea of guilty, Defendants have forfeited their interest in the subject currency. Accordingly, the United States should be entitled to possession of said currency pursuant to 21 U.S.C. § 853.

6. The Government's Motion for Preliminary Order of Forfeiture should be granted.

IT IS ORDERED:

1. The Government's Motion for Preliminary Order of Forfeiture, Filing No. 60, is granted.

2. Based upon the Forfeiture Allegation of the Indictment and the plea of guilty, the Government is hereby authorized to seize the \$1,423.00 in United States currency.

3. Defendants' interest in the \$1,423.00 in United States currency is hereby forfeited to the Government for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).

4. The \$1,423.00 in United States currency is to be held by the Government in its secure custody and control.

5. Pursuant to 21 U.S.C. § 853(n)(1), the Government shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture, notice of publication evidencing the Government's intent to dispose of the subject property in such manner as the Attorney General may direct, and notice that any person, other than the Defendants, having or claiming a legal interest in any of the subject property must file a Petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

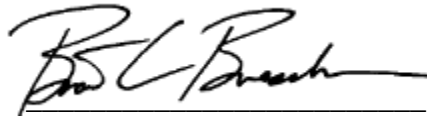
6. The published notice shall state the Petition referred to in Paragraph 5, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the \$1,423.00 in United States currency, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title, or interest in the \$1,423.00 in United States currency and any additional facts supporting the Petitioner's claim and the relief sought.

7. The Government may also, to the extent practicable, provide direct written notice to any person known to have an interest in the \$1,423.00 in United States currency as a substitute for published notice as to those persons so notified.

8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 22nd day of January, 2025.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'B. C. Buescher', written over a horizontal line.

Brian C. Buescher
United States District Judge